

**UNOFFICIAL VERSION**

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**THURSDAY, FEBRUARY 23, 2012**

**FIFTY-FIFTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Pastor Scott Aleridge of Columbia First United Methodist Church in Columbia, Tennessee, a guest of Senator Ketron.

**PLEDGE OF ALLEGIANCE**

Senator Ketron led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 32

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

**COMMUNICATION**

TO: Lt. Governor Ron Ramsey  
FROM: Senator Reginald Tate  
DATE: February 22, 2012  
RE: Excused from Session

I am requesting permission to be excused from Session on Thursday, February 23, 2012. I will be attending the funeral for one of my constituents and a very dear friend.

Thanking you in advance.

APPROVED: Lieutenant Governor  
Ron Ramsey

**STANDING COMMITTEE REPORTS**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2169, 2222, 2266, 2274, 2359, 2382, 2409, 2479, 2755, 2766 with amendment, 3071 and 3353.

MCNALLY, Chairperson  
February 21, 2012

## **THURSDAY, FEBRUARY 23, 2012 -- 55TH LEGISLATIVE DAY**

The Speaker announced that he had referred Senate Bills Nos. 2169, 2222, 2266, 2274, 2359, 2382, 2409, 2479, 2755, 2766 with amendment, 3071 and 3353 to the Committee on Calendar.

### **STATE AND LOCAL GOVERNMENT**

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2220 with amendment, 2396 and 2976 with amendment; and House Joint Resolution No. 566; also, recommend that Senate Bills Nos. 2515 and 3552 be referred to Committee on Finance, Ways and Means.

YAGER, Chairperson  
February 21, 2012

The Speaker announced that he had referred Senate Bills Nos. 2220 with amendment, 2396 and 2976 with amendment; and House Joint Resolution No. 566 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2515 and 3552 to the Committee on Finance, Ways and Means.

### **COMMERCE, LABOR AND AGRICULTURE**

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2353, 2710 with amendment, 2791 with amendment, 3213, 3236 with amendment, 3352 and 3387.

JOHNSON, Chairperson  
February 21, 2012

The Speaker announced that he had referred Senate Bills Nos. 2353, 2710 with amendment, 2791 with amendment, 3213, 3236 with amendment, 3352 and 3387 to the Committee on Calendar.

### **JUDICIARY**

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2651 with amendment and 2826 with amendment.

BEAVERS, Chairperson  
February 21, 2012

The Speaker announced that he had referred Senate Bills Nos. 2651 with amendment and 2826 with amendment to the Committee on Calendar.

### **EDUCATION**

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2506, 3022, 3024 and 3116.

GRESHAM, Chairperson  
February 22, 2012

## **THURSDAY, FEBRUARY 23, 2012 -- 55TH LEGISLATIVE DAY**

The Speaker announced that he had referred Senate Bills Nos. 2506, 3022, 3024 and 3116 to the Committee on Calendar.

### **HEALTH AND WELFARE**

MR. SPEAKER: Your Committee on Health and Welfare begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2227 with amendment; also, recommend that Senate Bill No. 2199 be referred to Committee on Finance, Ways and Means.

CROWE, Chairperson  
February 22, 2012

The Speaker announced that he had referred Senate Bill No. 2227 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2199 to the Committee on Finance, Ways and Means.

### **TRANSPORTATION AND SAFETY**

MR. SPEAKER: Your Committee on Transportation and Safety begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2238, 2357 with amendment, 2529 with amendment, 2872 and 3240 with amendment; also, recommend that Senate Bills Nos. 2243 with amendment, 2401 with amendment, 3250, 3251, 3260 and 3556 be referred to Committee on Finance, Ways and Means.

TRACY, Chairperson  
February 22, 2012

The Speaker announced that he had referred Senate Bills Nos. 2238, 2357 with amendment, 2529 with amendment, 2872 and 3240 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2243 with amendment, 2401 with amendment, 3250, 3251, 3260 and 3556 to the Committee on Finance, Ways and Means.

### **GOVERNMENT OPERATIONS**

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2304 with amendment, 2317 with amendment, 2318 with amendment, 2321 with amendment, 2337, 2339 with amendment, 2341 with amendment, 3382, 3385 with amendment, 3390 and 3392.

BELL, Chairperson  
February 22, 2012

The Speaker announced that he had referred Senate Bills Nos. 2304 with amendment, 2317 with amendment, 2318 with amendment, 2321 with amendment, 2337, 2339 with amendment, 2341 with amendment, 3382, 3385 with amendment, 3390 and 3392 to the Committee on Calendar.

### **PRESENTATION**

Senator Burks introduced the 2011-2012 State FFA Officers to the Senate.

**MOTION**

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 3780 through 3785** be passed on first consideration, which motion prevailed.

**INTRODUCTION OF BILLS**

The Speaker announced that the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 3780** by Senator Yager.

Oakdale -- As introduced, subject to local approval, reduces size of Town of Oakdale board of aldermen from three to two beginning with the August, 2014 election; requires the board to designate one board member as vice-mayor. Amends Chapter 587 of the Private Acts of 1911; as amended and rewritten.

**Senate Bill No. 3781** by Senator Bell.

Bradley County -- As introduced, subject to local approval, establishes a common-docket system in Bradley County. Amends Chapter 17 of the Private Acts of 1955; as amended.

**Senate Bill No. 3782** by Senator Summerville.

Dickson County -- As introduced, subject to local approval, decreases, from twelve to 6, the number of County Highway Commissioners beginning in the August, 2014 regular election; requires commissioners be elected from the same districts as county school board members. Amends Chapter 53 of the Private Acts of 1985.

**Senate Bill No. 3783** by Senator Ketron.

Maury County -- As introduced, subject to local approval, authorizes remainder of proceeds from county wheel tax after all indebtedness for road paving projects has been paid, to be paid into the highway capital projects fund for highway and bridge capital projects. Amends Chapter 119 of the Private Acts of 1995.

**Senate Bill No. 3784** by Senator Ketron.

Maury County -- As introduced, subject to local approval, authorizes remainder of proceeds from county wheel tax after all indebtedness for road paving projects has been paid, to be paid into the highway capital projects fund for highway and bridge capital projects. Amends Chapter 119 of the Private Acts of 1995.

**Senate Bill No. 3785** by Senator Herron.

Weakley County -- As introduced, subject to local approval, abolishes the Weakley County Highway Commission.

**MOTION**

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 2161, 2215, 2281, 2326, 2370, 2371, 2397, 2405, 2489, 2491, 2638, 2653, 2665 and 3080** be passed on first consideration, which motion prevailed.

**HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 2161** -- Tort Liability and Reform -- As introduced, revises certain provisions regarding tort actions and damages. Amends TCA Title 20; Title 27; Title 29 and Title 47.

**House Bill No. 2215** -- Tort Liability and Reform -- As introduced, provides immunity for first responders when using forcible entry to enter premises to render emergency medical assistance when responding to 911 call; enacts "Jaclyn's Law". Amends TCA Title 7, Chapter 86; Title 29; Title 63, Chapter 6 and Title 68, Chapter 140.

**House Bill No. 2281** -- Home Improvement Contractors -- As introduced, includes as an element of the offense of theft by a home improvement contractor, or a consumer protection violation, failure to provide a current address to the residential owner until the work to be performed under the contract is completed. Amends TCA Section 39-14-154 and Section 47-18-104.

**House Bill No. 2326** -- Nuclear Materials, Transportation and Safety -- As introduced, authorizes a nuclear security officer to employ deadly force in certain situations. Amends TCA Section 38-3-120 and Section 39-11-611.

**House Bill No. 2370** -- Taxes, Sales -- As introduced, establishes requirements for determining whether certain affiliates have physical presence in this state sufficient to establish nexus for sales and use tax purposes; provisions to be repealed January 1, 2014. Amends TCA Title 67, Chapter 6.

**House Bill No. 2371** -- Revenue, Dept. of -- As introduced, authorizes the commissioner to require documents or payments filed with the department to be submitted electronically; revises other various provisions regarding the electronic submission of documents and payments to the department. Amends TCA Title 55; Title 57 and Title 67.

**House Bill No. 2397** -- Comptroller, State -- As introduced, provides for electronic, in addition to telephonic, notifications under the Advocacy for Honest and "Appropriate Government Spending Act". Amends TCA Title 8, Chapter 4, Part 4.

**House Bill No. 2405** -- Capital Punishment -- As introduced, requires the warden to permit 3 relatives or close friends of a victim to attend an execution where no surviving immediate family members of the victim over age eighteen exist. Amends TCA Section 40-23-116.

**House Bill No. 2489** -- Remedies and Special Proceedings -- As introduced, creates civil right of action for victims of human trafficking offenses. Amends TCA Title 39, Chapter 13, Part 3.

**House Bill No. 2491** -- Military -- As introduced, creates Class B misdemeanor offense of a person falsely representing that he or she was or is a member of the United States Armed Forces with the intent to deceive another into believing such representation. Amends TCA Title 58, Chapter 1, Part 1.

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**House Bill No. 2638** -- Criminal Offenses -- As introduced, prevents people from living on publicly-owned property not designated for residential use and prohibits people using publicly-owned property from posing a health hazard or threat to the safety and welfare of others. Amends TCA Title 4; Title 12; Title 29; Title 39 and Title 40.

**House Bill No. 2653** -- Education -- As introduced, classifies schools teaching high school courses in grades 7 or 8 as secondary schools. Amends TCA Title 49, Chapter 4; Title 49, Chapter 5 and Title 49, Chapter 6.

**House Bill No. 2665** -- Food and Food Products -- As introduced, requires that sorghum molasses sold or offered for sale in Tennessee must be labeled as one hundred percent pure or not pure; authorizes any person who suffers an injury or death, or an ascertainable loss of money or property, as a result of a violation of the bill to bring an action individually to recover actual damages. Amends TCA Title 53.

**House Bill No. 3080** -- Sunset Laws -- As introduced, creates sunrise provision for economic council on women with a termination date of June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 50, Part 1.

**MOTION**

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bill No. 3779** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**SENATE BILL ON SECOND CONSIDERATION**

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee or held on the Clerk's desk:

**Senate Bill No. 3779** Local bill -- held on desk.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 602 through 614**; and **Senate Resolution No. 84** be passed on first consideration and lie over, which motion prevailed.

**INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 602** by Senator Ketron.  
Memorials, Sports -- Blackman High School cheerleading squad, National Champions.

**Senate Joint Resolution No. 603** by Mr. Speaker Ramsey.  
Memorials, Professional Achievement -- Steven C. Smith, Sidney R. Rabb Award.

**Senate Joint Resolution No. 604** by Senator Southerland.  
Memorials, Professional Achievement -- Patty Starnes, Teacher of the Year, Alpha Elementary School.

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**Senate Joint Resolution No. 605** by Senator Southerland.

Memorials, Professional Achievement -- Lori Horner, Teacher of the Year, Hillcrest Elementary School.

**Senate Joint Resolution No. 606** by Senator Southerland.

Memorials, Professional Achievement -- Kathie Franzke, Teacher of the Year, West View Middle School.

**Senate Joint Resolution No. 607** by Senator Southerland.

Memorials, Professional Achievement -- Sharon Lindsey, Teacher of the Year, Miller Boyd Alternative School.

**Senate Joint Resolution No. 608** by Senator Southerland.

Memorials, Professional Achievement -- Karen Rogers, Teacher of the Year, East High School.

**Senate Joint Resolution No. 609** by Senator Southerland.

Memorials, Professional Achievement -- Michelle Newman, Teacher of the Year, Witt Elementary School.

**Senate Joint Resolution No. 610** by Senator Southerland.

Memorials, Professional Achievement -- Cari S. Ashford, Teacher of the Year, Morristown-Hamblen High School West.

**Senate Joint Resolution No. 611** by Senator Southerland.

Memorials, Professional Achievement -- Jenny Ryan, Teacher of the Year, Union Heights Elementary.

**Senate Joint Resolution No. 612** by Senator Southerland.

Memorials, Professional Achievement -- Jenni Seal, Teacher of the Year, Lincoln Heights Middle School.

**Senate Joint Resolution No. 613** by Senator Southerland.

Memorials, Professional Achievement -- Kathy Caldwell, Teacher of the Year, West Elementary School.

**Senate Joint Resolution No. 614** by Senator Southerland.

Memorials, Professional Achievement -- Eva Victoria Price, Teacher of the Year, Meadowview Middle School.

**Senate Resolution No. 84** by Senators Kelsey, Gresham, Tracy, Bell, Summerville, Norris, Ketron, Beavers, Massey, Southerland, Yager, Faulk, Johnson, Henry, Tate and Watson.

Memorials, Government Officials -- Encourages the President of the United States and the secretary of health and human services to restore certain protections of conscience to certain religiously affiliated entities concerning the coverage of contraceptives as a health insurance benefit.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 659, 661, 663, 665, 666, 669, 671 through 678, 680, 681 and 683**; and **Senate Joint Resolutions Nos. 588, 589, 592 through 598 and 600** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**House Joint Resolution No. 659** -- Memorials, Death -- Willie Pearl Ellis.

The Speaker announced that he had referred House Joint Resolution No. 659 to the Committee on Calendar.

**House Joint Resolution No. 661** -- Memorials, Recognition -- Chattanooga Composite Squadron.

The Speaker announced that he had referred House Joint Resolution No. 661 to the Committee on Calendar.

**House Joint Resolution No. 663** -- Memorials, Heroism -- Calvin Ward, Medal of Honor recipient.

The Speaker announced that he had referred House Joint Resolution No. 663 to the Committee on Calendar.

**House Joint Resolution No. 665** -- Memorials, Recognition -- Deliverance Outreach Temple, 20th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 665 to the Committee on Calendar.

**House Joint Resolution No. 666** -- Memorials, Professional Achievement -- Danny Creasy, 2011 Logger of the Year.

The Speaker announced that he had referred House Joint Resolution No. 666 to the Committee on Calendar.

**House Joint Resolution No. 669** -- Memorials, Professional Achievement -- Cadet Colonel Adam Smith, CAP General Carl A. Spaatz Award.

The Speaker announced that he had referred House Joint Resolution No. 669 to the Committee on Calendar.

**House Joint Resolution No. 671** -- Memorials, Public Service -- Lewis Norman, 2011 Dyer County Man of the Year.

The Speaker announced that he had referred House Joint Resolution No. 671 to the Committee on Calendar.

**House Joint Resolution No. 672** -- Memorials, Recognition -- Maryanna McClure.

The Speaker announced that he had referred House Joint Resolution No. 672 to the Committee on Calendar.



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**House Joint Resolution No. 673** -- Memorials, Personal Occasion -- Dorothy Crawford, 90th birthday.

The Speaker announced that he had referred House Joint Resolution No. 673 to the Committee on Calendar.

**House Joint Resolution No. 674** -- Memorials, Recognition -- Dr. Jerry W. Williams.

The Speaker announced that he had referred House Joint Resolution No. 674 to the Committee on Calendar.

**House Joint Resolution No. 675** -- Memorials, Recognition -- Rawls family, 2012 AT&T Black History Calendar Business Honorees.

The Speaker announced that he had referred House Joint Resolution No. 675 to the Committee on Calendar.

**House Joint Resolution No. 676** -- Memorials, Recognition -- Raleigh Assembly of God & The Springs at Southwind.

The Speaker announced that he had referred House Joint Resolution No. 676 to the Committee on Calendar.

**House Joint Resolution No. 677** -- Memorials, Recognition -- Dr. Sammie Holloway.

The Speaker announced that he had referred House Joint Resolution No. 677 to the Committee on Calendar.

**House Joint Resolution No. 678** -- Memorials, Recognition -- Kurt Carr.

The Speaker announced that he had referred House Joint Resolution No. 678 to the Committee on Calendar.

**House Joint Resolution No. 680** -- Memorials, Professional Achievement -- Deputy Fire Marshall Howard McNatt, Knights of Columbus Employee of the Year.

The Speaker announced that he had referred House Joint Resolution No. 680 to the Committee on Calendar.

**House Joint Resolution No. 681** -- Memorials, Recognition -- Jones Companies, Ltd., 75th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 681 to the Committee on Calendar.

**House Joint Resolution No. 683** -- Memorials, Personal Achievement -- Benjamin J. Mahooty, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 683 to the Committee on Calendar.

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**Senate Joint Resolution No. 588** -- Memorials, Recognition -- Edward Carmon Kerley.

The Speaker announced that he had referred Senate Joint Resolution No. 588 to the Committee on Calendar.

**Senate Joint Resolution No. 589** -- Memorials, Recognition -- 2011-2012 State FFA Officers.

The Speaker announced that he had referred Senate Joint Resolution No. 589 to the Committee on Calendar.

**Senate Joint Resolution No. 592** -- Memorials, Death -- Kenneth Field Gardner.

The Speaker announced that he had referred Senate Joint Resolution No. 592 to the Committee on Calendar.

**Senate Joint Resolution No. 593** -- Memorials, Retirement -- Ronnie L. White.

The Speaker announced that he had referred Senate Joint Resolution No. 593 to the Committee on Calendar.

**Senate Joint Resolution No. 594** -- Memorials, Personal Occasion -- James Edward "Ed" Westcott, 90th birthday.

The Speaker announced that he had referred Senate Joint Resolution No. 594 to the Committee on Calendar.

**Senate Joint Resolution No. 595** -- Memorials, Retirement -- Captain John Huffine.

The Speaker announced that he had referred Senate Joint Resolution No. 595 to the Committee on Calendar.

**Senate Joint Resolution No. 596** -- Memorials, Sports -- Greeneville High School girls cross country team, TSSAA Class A/AA State Championship Runners-Up.

The Speaker announced that he had referred Senate Joint Resolution No. 596 to the Committee on Calendar.

**Senate Joint Resolution No. 597** -- Memorials, Retirement -- Captain Terry L. Webb.

The Speaker announced that he had referred Senate Joint Resolution No. 597 to the Committee on Calendar.

**Senate Joint Resolution No. 598** -- Memorials, Sports -- Greeneville High School boys cross country team, TSSAA Class A/AA State Champions.

The Speaker announced that he had referred Senate Joint Resolution No. 598 to the Committee on Calendar.

**Senate Joint Resolution No. 600** -- Memorials, Personal Occasion -- James Willis Ailshie, 100th birthday.

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The Speaker announced that he had referred Senate Joint Resolution No. 600 to the Committee on Calendar.

**CONSENT CALENDAR NO. 1**

**Senate Joint Resolution No. 585** -- Memorials, Recognition -- Houston County Irish Celebration, 50th anniversary.

**Senate Joint Resolution No. 587** -- Memorials, Death -- Charles Evers.

**Senate Joint Resolution No. 588** -- Memorials, Recognition -- Edward Carmon Kerley.

**Senate Joint Resolution No. 589** -- Memorials, Recognition -- 2011-2012 State FFA Officers.

**Senate Joint Resolution No. 592** -- Memorials, Death -- Kenneth Field Gardner.

**Senate Joint Resolution No. 593** -- Memorials, Retirement -- Ronnie L. White.

**Senate Joint Resolution No. 594** -- Memorials, Personal Occasion -- James Edward "Ed" Westcott, 90th birthday.

**Senate Joint Resolution No. 595** -- Memorials, Retirement -- Captain John Huffine.

**Senate Joint Resolution No. 596** -- Memorials, Sports -- Greeneville High School girls cross country team, TSSAA Class A/AA State Championship Runners-Up.

**Senate Joint Resolution No. 597** -- Memorials, Retirement -- Captain Terry L. Webb.

**Senate Joint Resolution No. 598** -- Memorials, Sports -- Greeneville High School boys cross country team, TSSAA Class A/AA State Champions.

**Senate Joint Resolution No. 600** -- Memorials, Personal Occasion -- James Willis Ailshie, 100th birthday.

**House Joint Resolution No. 642** -- Memorials, Recognition -- Jackson County's 34th Annual Polk Sallet Festival, May 10-13, 2012.

**House Joint Resolution No. 646** -- Memorials, Recognition -- Lindsey Rochelle.

**House Joint Resolution No. 647** -- Memorials, Recognition -- Kevin Hensley.

**House Joint Resolution No. 648** -- Memorials, Recognition -- Shelby County Juvenile Court.

**House Joint Resolution No. 650** -- Memorials, Recognition -- Joe Glasscock.

**House Joint Resolution No. 651** -- Memorials, Personal Occasion -- Louise Robinson Bonds, 94th birthday.

**House Joint Resolution No. 654** -- Memorials, Retirement -- Alben "Al" Simmons.

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**House Joint Resolution No. 655** -- Memorials, Recognition -- Mary Elaine Wilson, 2011 TTC Outstanding Student of the Year.

**House Joint Resolution No. 656** -- Memorials, Death -- William E. "Ted" Blevins, Sr.

**House Joint Resolution No. 657** -- Memorials, Professional Achievement -- Cadet Colonel Daniel T. Fry, Jr., General Carl A. Spaatz Award.

**House Joint Resolution No. 658** -- Memorials, Professional Achievement -- Cadet Colonel Jeffrey Lewoczko, CAP General Carl A. Spaatz Award.

**House Joint Resolution No. 659** -- Memorials, Death -- Willie Pearl Ellis.

**House Joint Resolution No. 661** -- Memorials, Recognition -- Chattanooga Composite Squadron.

**House Joint Resolution No. 663** -- Memorials, Heroism -- Calvin Ward, Medal of Honor recipient.

**House Joint Resolution No. 665** -- Memorials, Recognition -- Deliverance Outreach Temple, 20th anniversary.

**House Joint Resolution No. 666** -- Memorials, Professional Achievement -- Danny Creasy, 2011 Logger of the Year.

**House Joint Resolution No. 668** -- Naming and Designating -- "Tennessee Children's Hospital Appreciation Month", February, 2012.

**House Joint Resolution No. 669** -- Memorials, Professional Achievement -- Cadet Colonel Adam Smith, CAP General Carl A. Spaatz Award.

**House Joint Resolution No. 671** -- Memorials, Public Service -- Lewis Norman, 2011 Dyer County Man of the Year.

**House Joint Resolution No. 672** -- Memorials, Recognition -- Maryanna McClure.

**House Joint Resolution No. 673** -- Memorials, Personal Occasion -- Dorothy Crawford, 90th birthday.

**House Joint Resolution No. 674** -- Memorials, Recognition -- Dr. Jerry W. Williams.

**House Joint Resolution No. 675** -- Memorials, Recognition -- Rawls family, 2012 AT&T Black History Calendar Business Honorees.

**House Joint Resolution No. 676** -- Memorials, Recognition -- Raleigh Assembly of God & The Springs at Southwind.

**House Joint Resolution No. 677** -- Memorials, Recognition -- Dr. Sammie Holloway.

**House Joint Resolution No. 678** -- Memorials, Recognition -- Kurt Carr.

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**House Joint Resolution No. 680** -- Memorials, Professional Achievement -- Deputy Fire Marshall Howard McNatt, Knights of Columbus Employee of the Year.

**House Joint Resolution No. 681** -- Memorials, Recognition -- Jones Companies, Ltd., 75th anniversary.

**House Joint Resolution No. 683** -- Memorials, Personal Achievement -- Benjamin J. Mahooty, Eagle Scout.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

Objections having been raised, the following bills were placed at the heel of the calendar for Monday, February 27, 2012, pursuant to Rule 38: **Senate Bills Nos. 2577 and 2736.**

**Senate Joint Resolution No. 571** -- Naming and Designating -- "Youth Art Month" in Tennessee, March, 2012.

**Senate Bill No. 2315** -- Sunset Laws -- As introduced, extends the department of children's services, June 30, 2014. Amends TCA Title 4, Chapter 29 and Title 37, Chapter 5.

**Senate Bill No. 2325** -- Sunset Laws -- As introduced, extends the Tennessee council for career and technical education, June 30, 2017. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 11.

On motion, Senate Bill No. 2325 was made to conform with **House Bill No. 2545.**

On motion, House Bill No. 2545, on same subject, was substituted for Senate Bill No. 2325.

**Senate Bill No. 2430** -- Capital Punishment -- As introduced, requires the warden to permit three relatives or close friends of a victim to attend an execution where no surviving immediate family members of the victim over age 18 exist. Amends TCA Section 40-23-116.

On motion, Senate Bill No. 2430 was made to conform with **House Bill No. 2405.**

On motion, House Bill No. 2405, on same subject, was substituted for Senate Bill No. 2430.

**Senate Bill No. 2620** -- Food and Food Products -- As introduced, requires that sorghum molasses sold or offered for sale in Tennessee must be labeled as 100 percent pure or not pure; authorizes any person who suffers an injury or death, or an ascertainable loss of money or property, as a result of a violation of the bill to bring an action individually to recover actual damages. Amends TCA Title 53.

On motion, Senate Bill No. 2620 was made to conform with **House Bill No. 2665**.

On motion, House Bill No. 2665, on same subject, was substituted for Senate Bill No. 2620.

**Senate Bill No. 2648** -- Education -- As introduced, allows county boards of education to use the county's centralized purchasing system to provide a life insurance plan for employees. Amends TCA Title 5; Title 8 and Title 49.

**Senate Bill No. 2674** -- Insurance, Health, Accident -- As introduced, revises obsolete language related to independent practitioner of social work for purposes of reimbursement under medical, hospital and medical service plans and insurance by replacing it with current licensure terminology of a person duly licensed to engage in independent practice as a licensed clinical social worker. Amends TCA Section 56-7-2401 and Section 56-7-2402.

Senator Ford declared Rule 13 on **Senate Bill No. 2674**.

**Senate Bill No. 2776** -- Controlled Substances -- As introduced, permits county medical examiners to access the controlled substance database, absolves civil and criminal liability for authorized users acting in good faith within the proscribed limits, and establishes a presumption of good faith action where a medical examiner accesses the information for the purpose of conducting an investigation into a death or making a report as required by the duties of the position. Amends TCA Title 38, Chapter 7; Title 39 and Title 53, Chapter 10.

**Senate Bill No. 2841** -- Highway Signs -- As introduced, designates segment of State Route 18 as "National Bird Dog Highway".

**Senate Bill No. 2854** -- Environmental Preservation -- As introduced, changes dates of harvest season for wild ginseng from August 15 through December 31 to September 1 through December 31 of each year; adjusts reporting requirement for ginseng dealers to reflect new start date of harvest season. Amends TCA Title 62, Chapter 28, Part 1 and Title 70, Chapter 8, Part 2.

**Senate Bill No. 3165** -- Municipal Government -- As introduced, extends date from July 1, 2012, to July 1, 2014, on expansion of urban growth boundaries for certain tracts of land 10 acres or smaller. Amends TCA Section 6-58-104.

**Senate Bill No. 3194** -- Capitol -- As introduced, authorizes secretary of state to produce a virtual tour of the state capitol, capitol annexes and grounds and to publish the virtual tour on the Web sites of the general assembly and secretary of state; authorizes secretary of state to distribute the virtual tour on electronic media, through the state library and archives, to public and private K-12 schools. Amends TCA Section 4-8-101.

**Senate Bill No. 3234** -- Education -- As introduced, extends deadline for raising matching funds for Tennessee Intercollegiate State Legislature Foundation from June 30, 2012, to December 31, 2012, by delaying reversion of existing appropriation to general fund until December 31, 2012. Amends TCA Title 49, Chapter 3.

**Senate Bill No. 3391** -- Dentists and Dentistry -- As introduced, requires governor to consult with interested dental groups including, but not limited to, the Tennessee Dental Association, the Tennessee Dental Hygienists Association and the Tennessee Dental Assistants' Association prior to making appointments to the board of dentistry. Amends TCA Title 4, Chapter 29 and Section 63-5-103.

**Senate Bill No. 3549** -- Environment and Conservation, Dept. of -- As introduced, authorizes the air pollution control board to issue TDEC Commissioner authority to grant variances for certain open burnings and emissions testing requirements. Amends TCA Section 68-201-118.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

### **CALENDAR**

**Senate Bill No. 2508** -- Criminal Offenses -- As introduced, prevents people from living on publicly-owned property not designated for residential use and prohibits people using publicly-owned property from posing a health hazard or threat to the safety and welfare of others. Amends TCA Title 4; Title 12; Title 29; Title 39 and Title 40.

On motion, Senate Bill No. 2508 was made to conform with **House Bill No. 2638**.

On motion, House Bill No. 2638, on same subject, was substituted for Senate Bill No. 2508.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Senator Beavers moved to amend as follows:

### **AMENDMENT NO. 2**

AMEND by adding the following language preceding the enacting clause:

WHEREAS, the State of Tennessee has a variety of substantial governmental interests with respect to property, and particularly real property, owned by the state. For the reasons stated in this subsection, this section is specifically intended to protect state interests jeopardized by the activity of camping on state property that is not compatible to or designated for such activity; and

WHEREAS, whether the property is a state park, recreation area, wildlife refuge, historic building, educational institution or natural green space, it is in the state's interests to be a good steward of public land and manage and protect it in such a manner as to ensure

that future generations of Tennesseans are able to continue to enjoy the natural treasures and rich beauty of this state; and

WHEREAS, it is also an important state interest that publicly-owned land is properly used. The use of public land in a manner or for a purpose for which it is not designed or made available to the public causes the property to deteriorate more rapidly, and results in higher maintenance and security. This not only depreciates the value of the property but makes it unavailable for its intended purposes; and

WHEREAS, as important an interest as the preservation of resources is, perhaps more important are the health concerns that can reasonably be expected to follow from the use of public land by a group of people for an activity never contemplated on that location. Without necessities such as sanitary facilities, the risk of communicable disease transforms an unauthorized use of public land into a potential public health problem; and

WHEREAS, even though state owned property takes many forms, the common thread is that it is acquired, preserved, improved, protected and maintained using the tax dollars of all citizens of this state. Therefore, ensuring that state land and other property remain available and accessible to all citizens of this state is an interest for which action is justified, if not required; and

WHEREAS, at times it becomes necessary to enact measures, such as the proscription against unauthorized camping contained in this section, to prohibit, regulate or restrict otherwise lawful activities in certain places because they are inimical to substantial state interests, such as the ones set forth in this section, now, therefore,

AND FURTHER AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 4, is amended by adding the following as a new section:

39-14-4\_\_.

(a) This section shall be known and may be cited as the "Equal Access to Public Property Act of 2012".

(b)(1) As used in this section, "camping" means the erection or use of temporary structures such as tents, tarps, and other temporary shelters for living accommodation activities such as sleeping, or making preparations to sleep.

(2) "Camping" shall include, but not be limited to, the laying down of bedding for the purpose of sleeping, storing personal belongings, making any fire, doing any digging or earth breaking or carrying on cooking activities, whether by fire or use of artificial means such as a propane stove or other heat-producing portable cooking equipment.

(c) An area of state-owned land may be designated as a camping area by the department, agency, official or officials the responsible for the operation, protection or maintenance of the property in question. The area's



designation as a camping area may be accomplished by means of signage, advertisement or other notice designed to make known its availability for the activity of camping.

(d) It is an offense for a person to engage in the activity of camping on property owned by the state knowing that the area on which the camping occurs is not specifically designated for use as a camping area by the department or agency responsible for such land.

(e) Any items associated with camping in violation of this section, including tents, portable toilets, sleeping bags, tarps, stakes, ropes, blankets, propane heaters, cooking equipment and generators, shall be subject to seizure and forfeiture by the appropriate state officials authorized to maintain and protect the land on which the camping equipment is found or other officials whose duties include enforcement of this section.

(f) A violation of this section is a Class A misdemeanor.

(g) Nothing in this section shall be construed as preempting or preventing a state department or agency with responsibility for state property from enacting or enforcing other lawful and reasonable rules, regulations, or statutes that concern the use of and access to state property. However, if any such rule, regulation or statute is in conflict with this section, it is the intent that this section shall prevail and the prohibition against camping on state property in areas not designated as camping areas be a uniform one.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Senator Beavers moved to amend as follows:

### AMENDMENT NO. 3

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 3 was adopted.

Thereupon, **House Bill No. 2638**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	21
Noes . . . . .	9
Present, not voting . . .	1

**THURSDAY, FEBRUARY 23, 2012 -- 55TH LEGISLATIVE DAY**

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Gresham, Haynes, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Berke, Finney, Ford, Harper, Henry, Herron, Kyle, Marrero and Stewart--9.

Senator present and not voting was: Southerland--1.

A motion to reconsider was tabled.

**Senate Joint Resolution No. 222** -- Constitutional Amendments -- Proposes an amendment to Article XI, Section 5 of the Constitution of the State of Tennessee concerning charitable lotteries to include certain veterans organizations.

Senator Crowe moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution.

Thereupon, Mr. Speaker Ramsey declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 222** had been read.

Senator Crowe moved that **Senate Joint Resolution No. 222** be placed on the Calendar for Thursday, March 1, 2012, which motion prevailed.

**Senate Bill No. 1818** -- Insurance Companies, Agents, Brokers, Policies -- As introduced, clarifies that utilization review may include review of admissions and procedures as the types of resources or services subject to review. Amends TCA Title 56.

Senator Ford declared Rule 13 on **Senate Bill No. 1818**.

Senator Tracy declared Rule 13 on **Senate Bill No. 1818**.

Senator Ketron declared Rule 13 on **Senate Bill No. 1818**.

Senator Stewart declared Rule 13 on **Senate Bill No. 1818**.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 2, is amended by adding the following language as a new Part 8:

56-2-801. Sharing of Confidential Information

The commissioner shall maintain as confidential all information received from the National Association of Insurance Commissioners (NAIC), any state or federal agency, and foreign countries that is confidential in those jurisdictions. The

commissioner may allow for the sharing of otherwise confidential documents, materials, information, administrative or judicial orders, and other actions with the regulatory officials of any state or federal agency and foreign countries provided that the recipients are required, under their respective laws, to maintain such confidentiality. The commissioner may also allow for the sharing of otherwise confidential documents, materials, information, administrative or judicial orders, and other actions with the NAIC provided that the NAIC demonstrates by written statement its intent to maintain such confidentiality.

SECTION 2. Tennessee Code Annotated, Section 56-22-115(d), is amended by deleting the language "§ 56-44-105" and by substituting instead the language "§ 56-2-801".

SECTION 3. Tennessee Code Annotated, Section 56-44-105, is amended by deleting the section in its entirety.

SECTION 4. Tennessee Code Annotated, Section 56-46-104(a)(1), is amended by deleting the language "or" after the semicolon in subdivision (A) and is further amended by adding the language "or" after the semicolon in subdivision (B).

SECTION 5. Tennessee Code Annotated, Section 56-46-104(a)(1), is amended by adding the following language as a new subdivision (C):

(C) If a property and casualty insurer, the insurer has total adjusted capital that is greater than the product of its Authorized Control Level RBC and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the Property and Casualty RBC instructions.

SECTION 6. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1818**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2140** -- Statutes and Codification -- As introduced, provides that no statutory private right of action or duty of care is created unless statute contains express language creating the right or duty and prohibits implied rights of action or duties of care unless based on common law where no controlling statute exists. Amends TCA Title 1, Chapter 3, Part 1.

Senator Kyle declared Rule 13 on **Senate Bill No. 2140**.

Senator Faulk declared Rule 13 on **Senate Bill No. 2140**.

Senator Overbey declared Rule 13 on **Senate Bill No. 2140**.

Senator Berke declared Rule 13 on **Senate Bill No. 2140**.

Senator Norris declared Rule 13 on **Senate Bill No. 2140**.

Senator Barnes declared Rule 13 on **Senate Bill No. 2140**.

Senator Kelsey declared Rule 13 on **Senate Bill No. 2140**.

Senator Beavers moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 1, Chapter 3, Part 1, is amended by adding the following as a new section:

Section 1-3-119.

(a) In order for legislation enacted by the general assembly to create or confer a private right of action or impose an affirmative duty of care, the legislation must contain express language creating or conferring the right, or imposing the duty.

(b) In the absence of the express language required by subsection (a), no court of this state, licensing board or administrative agency shall construe or interpret a statute to impliedly create or confer a private right of action or impose an affirmative duty of care.

(c) Nothing in this section shall be construed in any way to impair the ability of a court to:

(1) Recognize a private right of action that was recognized before the effective date of this section by the courts of this state as arising under a statute, unless the statute is amended after the effective date of this section to expressly bar the private right of action.

(2) Create or confer a private right of action or impose an affirmative duty in the absence of a controlling statute on each cause of action contained in the complaint if such action or duty is based on the common law;

(3) Utilize the doctrine of negligence per se; or

(4) Recognize a private right of action commenced by a state or local governmental entity to collect any fees owed for a governmental service or to recover such fees from a party that is obligated to bill and collect fees owed others for a governmental service.

(d) Nothing in this section shall be construed in any way to impair the ability of a state or local regulatory or licensing agency to enforce rules pursuant to the Uniform Administrative Procedures Act, codified in Title 4, Chapter 5, if such rules were duly enacted through the rulemaking authority granted to any such agency by statute.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to any action that has not yet been commenced prior to its effective date or is commenced on or after its effective date.

Senator Kelsey moved that **Senate Bill No. 2140** be placed on the Calendar for Thursday, March 1, 2012, which motion prevailed.

**Senate Bill No. 2202** -- Insurance Companies, Agents, Brokers, Policies -- As introduced, revises provisions governing deposit of securities in clearing corporation. Amends TCA Title 56, Chapter 2 and Title 56, Chapter 3.

Senator Ford declared Rule 13 on **Senate Bill No. 2202**.

Senator Ketron declared Rule 13 on **Senate Bill No. 2202**.

Senator Tracy declared Rule 13 on **Senate Bill No. 2202**.

Senator Johnson moved to amend as follows:

#### **AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-2-104(c), is amended by deleting the subsection in its entirety.

SECTION 2. Tennessee Code Annotated, Section 56-2-117, is amended by deleting the section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 56-3-112, is amended by deleting the section in its entirety.

SECTION 4. Tennessee Code Annotated, Title 56, Chapter 3, is amended by adding the following language as a new Part 9:

56-3-901. Purpose.

The purpose of this part is to authorize insurance companies to utilize modern systems for holding and transferring securities without physical delivery of securities certificates, subject to rules and regulations promulgated by the commissioner pursuant to this part.

56-3-902. Definitions.

As used in this part:

(1)(A) "Clearing corporation" means:

(i) A corporation as defined in § 8-102(a) of the Uniform Commercial Code as adopted by the National Conference of Commissioners on Uniform State Laws and the American Law Institute, as amended from time to time; and

(ii) "Treasury/Reserve Automated Debt Entry Securities System" and "Treasury Direct" book-entry securities systems established pursuant to 31 U.S.C. § 3100 et seq., 12 U.S.C. Part 391 and 5 U.S.C. Part 301;

(B) With respect to securities issued by institutions organized or existing under the laws of any foreign country or securities used to meet the deposit requirements pursuant to the laws of a foreign country as a condition of doing business therein, "clearing corporation" also means a corporation which is organized or existing under the laws of any foreign country and is legally qualified under such laws to effect transactions in securities by computerized book-entry;

(2) "Commissioner" means the Commissioner of the Department of Commerce and Insurance;

(3) "Custodian" means a national bank, state bank, federal home loan bank, trust company or broker/dealer that participates in a clearing corporation; and

(4) "Securities" means instruments as defined in § 8-102(a) of the Uniform Commercial Code as adopted by the National Conference of Commissioners on Uniform State Laws and the American Law Institute, as amended from time to time.

56-3-903. Use of book-entry systems.

(a)(1) A domestic insurance company may deposit, or arrange for the deposit of, securities held in or purchased for its general account and its separate accounts in a clearing corporation.

(2) When securities are deposited with a clearing corporation:

(A) Certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other securities deposited with such clearing corporation by any person, regardless of the ownership of such securities; and

(B) Certificates representing securities of small denominations may be merged into one (1) or more certificates of larger denominations.

(3) The records of any custodian through which an insurance company holds securities in a clearing corporation shall at all times show that such securities are held for such insurance company and for which accounts.

(4) Ownership of, and other interest in, such securities may be transferred by bookkeeping entry on the books of such clearing corporation without physical delivery of certificates representing such securities.

(b) The commissioner is authorized to promulgate rules and regulations governing the deposit by insurance companies of securities with clearing corporations, including establishing standards for national banks, state banks, federal home loan banks, trust companies and broker/dealers to qualify as custodians for insurance company securities.

56-3-904. Deposit of securities by domestic insurance companies.

(a)(1) Securities qualified for deposit under § 56-2-104, may be deposited with a clearing corporation.

(2) Securities deposited with a clearing corporation and used to meet the deposit requirements set forth in § 56-2-104 shall be under the control of the commissioner and shall not be withdrawn by the insurance company without the approval of the commissioner.

(b) Any insurance company holding securities as provided in subsection (a), shall provide to the commissioner evidence issued by its custodian through which the insurance company has deposited securities in a clearing corporation, in order to establish that:

(1) The securities are actually recorded in an account in the name of the custodian; and

(2) The records of the custodian reflect that such securities are held subject to the order of the commissioner.

56-3-905. Deposit of securities by insurance companies.

(a)(1) Securities eligible for deposit under the insurance laws of this state relating to deposit of securities by an insurance company as a condition of commencing or continuing to do any insurance business in this state may be deposited with a clearing corporation.

(2) Securities deposited with a clearing corporation and used to meet the deposit requirements under the insurance laws of this state shall be under the control of the commissioner and shall not be withdrawn by the insurance company without the approval of the commissioner.

(b) Any insurance company holding such securities as provided in subsection (a), shall provide to the commissioner evidence issued by its custodian in order to establish that:

(1) The securities are actually recorded in an account in the name of the custodian; and

(2) The records of the custodian reflect that such securities are subject to the order of the commissioner.

SECTION 5. The Commissioner of Commerce and Insurance is authorized to promulgate emergency rules to implement this act.

SECTION 6. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2202**, as amended, passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 2220** -- Public Contracts -- As introduced, increases from \$75,000 to \$150,000 the dollar amount of leases that require approval by the attorney general and State Building Commission. Amends TCA Section 12-2-115.

Senator Yager moved that Amendment No. 1 be placed behind Amendment No. 3, which motion prevailed.

Senator Ketron moved that Amendment No. 2 be placed behind Amendment No. 1, which motion prevailed.

Senator Yager moved to amend as follows:

### **AMENDMENT NO. 3**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-2-115, is amended by deleting the language "seventy-five thousand dollars (\$75,000)" wherever it appears and by substituting the language "one hundred fifty thousand dollars (\$150,000)".

SECTION 2. Tennessee Code Annotated, Section 12-2-115(b), is further amended by designating the existing language as subdivision (1) and by adding the following language as a new subdivision (2):



(2)(A) With respect to any lease of property that is not submitted to and approved by the State Building Commission, the office of the state architect shall, subject to such exceptions as the commission may by its policies direct, post on its Web site at a minimum the following information, as applicable, regarding each such lease:

(i) Name(s) of lessor(s) and lessee(s);

(ii) Lease description and purpose;

(iii) Lease term;

(iv) Rental rate, stated as total rent for the lease term, annual rent, and as a rent per square foot;

(v) Source(s) of funding;

(vi) Procurement method used to obtain the lease; and

(vii) Any other information as directed by the commission.

(B) In addition to the above, the state architect shall post on the office's Web site any changes to information posted in accordance with this subdivision as soon as practicable after the change is authorized.

(C) The state architect shall ensure that all information posted on the office's Web site pursuant to this subsection (b) is set forth in a manner and format consistent with the policies and procedures of the commission.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

On motion of Senator Ketron, Amendment No. 2 was withdrawn.

Thereupon, **Senate Bill No. 2220**, as amended, passed its third and final consideration by the following vote:

Ayes .....	26
Noes .....	1

Senators voting aye were: Barnes, Beavers, Bell, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--26.

Senator voting no was: Campfield--1.

A motion to reconsider was tabled.

**THURSDAY, FEBRUARY 23, 2012 -- 55TH LEGISLATIVE DAY**

**Senate Bill No. 2259** -- Comptroller, State -- As introduced, provides for electronic, in addition to telephonic, notifications under the "Advocacy for Honest and Appropriate Government Spending Act". Amends TCA Title 8, Chapter 4, Part 4.

On motion, Senate Bill No. 2259 was made to conform with **House Bill No. 2397**.

On motion, House Bill No. 2397, on same subject, was substituted for Senate Bill No. 2259.

**House Bill No. 2397** passed its third and final consideration by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 2260** -- Taxes -- As introduced, clarifies that a taxpayer may request the assessor to mitigate a forced assessment by reducing the forced assessment to the standard depreciated value of the taxpayer's assessable property plus 25 percent. Amends TCA Section 67-5-1206 and Section 67-5-903.

**Senate Bill No. 2260** passed its third and final consideration by the following vote:

Ayes . . . . .	29
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

**Senate Bill No. 2528** -- Civil Procedure -- As introduced, adds physician assistants to list of medical professionals who are exempt from subpoena to trial in a civil action but who are subject to subpoena to a deposition. Amends TCA Section 24-9-101.

Senator Overbey declared Rule 13 on **Senate Bill No. 2528**.

Senator Faulk declared Rule 13 on **Senate Bill No. 2528**.

**Senate Bill No. 2528** passed its third and final consideration by the following vote:

Ayes . . . . .	28
Noes . . . . .	1
Present, not voting . . .	1

**THURSDAY, FEBRUARY 23, 2012 -- 55TH LEGISLATIVE DAY**

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Herron, Johnson, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--28.

Senator voting no was: Kelsey--1.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

Senator Southerland moved that **Senate Bill No. 2579** be placed at the heel of the Calendar for today, which motion prevailed.

**Senate Bill No. 2784** -- General Assembly -- As introduced, corrects references remaining in TCA to oversight committees that were abolished by Chapter 410 of the Public Acts of 2011. Amends TCA.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the language "49-6-613(b)" in the directory language of Section 11 and substituting instead the language "49-1-613(b)".

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2784**, as amended, passed its third and final consideration by the following vote:

Ayes .....	28
Noes .....	1
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Campfield, Crowe, Faulk, Ford, Gresham, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--28.

Senator voting no was: Harper--1.

Senator present and not voting was: Finney--1.

A motion to reconsider was tabled.

**Senate Bill No. 2843** -- Alcoholic Beverage Commission -- As introduced, allows commission to issue wholesale license to corporation that has acquired assets of a partnership or limited liability company operating in this state for 10 years if corporation has majority of its assets in Tennessee and officers actively present at licensed premises. Amends TCA Section 57-3-203(g).

**Senate Bill No. 2843** passed its third and final consideration by the following vote:

Ayes ..... 21  
Noes ..... 7

Senators voting aye were: Barnes, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Summerville, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Beavers, Burks, Campfield, Herron, McNally, Southerland and Tracy--7.

A motion to reconsider was tabled.

Senator Bell moved that **Senate Bill No. 3173** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Bell moved that **Senate Bill No. 3178** be placed on the Calendar for Thursday, March 15, 2012, which motion prevailed.

**Senate Bill No. 3212** -- Sunset Laws -- As introduced, creates sunrise provision for economic council on women with a termination date of June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 50, Part 1.

On motion, Senate Bill No. 3212 was made to conform with **House Bill No. 3080**.

On motion, House Bill No. 3080, on same subject, was substituted for Senate Bill No. 3212.

Senator Bell moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION \_\_. Tennessee Code Annotated, Section 4-50-101, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The governor shall also appoint two (2) at-large members, who may be selected from lists of qualified persons submitted by interested local, civic and business groups including, but not limited to, Links, One Hundred Black Women, League of Women Voters of Tennessee, Tennessee Women's Political Caucus, Tennessee Lawyers Association for Women and housing authority tenant associations. The interested groups shall actively seek persons from as broad a range within each group as is reasonably possible, and shall ensure that such persons broadly represent the community in such areas as age, sex, minority groups, economic levels, employment and political affiliation.

SECTION \_\_. Tennessee Code Annotated, Section 4-50-101, is further amended by adding the following new language immediately preceding subsection (c) and by redesignating the subsequent subsection accordingly:

(c) The governor shall consult with interested local, civic and business groups including, but not limited to, Links, One Hundred Black Women, League of Women Voters of Tennessee, Tennessee Women's Political Caucus, Tennessee Lawyers Association for Women and housing authority tenant associations to determine qualified persons to fill the positions as provided in subsection (b).

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 3080**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 24  
Noes . . . . . 4

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Finney, Ford, Gresham, Harper, Henry, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--24.

Senators voting no were: Barnes, Haynes, Herron and Marrero--4.

A motion to reconsider was tabled.

**Senate Bill No. 3379** -- Sunset Laws -- As introduced, extends the board of medical examiners, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 6, Part 1.

Senator Bell moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION \_\_. Tennessee Code Annotated, Section 63-6-102, is amended by deleting subdivision (a)(4) in its entirety and by substituting instead the following:

(4) Board members may be selected from lists of qualified persons submitted to the governor by interested medical groups including, but not limited to, the Tennessee Medical Association. The governor shall consult with such groups to determine qualified persons to fill the positions on the board.

On motion, Amendment No. 1 was adopted.

Senator Bell moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-237(a), is amended by adding the following language as a new, appropriately designated subdivision:

( ) Board of medical examiners, created by § 63-6-101;

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On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 3379**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 3380** -- Sunset Laws -- As introduced, extends the board of respiratory care, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 27, Part 1.

Senator Bell moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the following language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION \_\_. Tennessee Code Annotated, Section 63-27-103, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) The governor may consider for appointment to the board the names of qualified persons recommended by interested respiratory care groups including, but not limited to, the professional organizations for each profession represented on the board. The Tennessee Society for Respiratory Care may submit a list of three (3) names for each position to be filled by a respiratory care practitioner. The Tennessee Medical Association may submit a list of three (3) names for the position to be filled by a physician having expertise in pulmonary medicine. The THA, an Association of Hospitals and Health Systems, may submit a list of three (3) names for the position to be filled by a hospital administrator and a list of three (3) names for the position to be filled by a hospital employee licensed as a registered respiratory therapist. The governor shall consult with the interested respiratory care groups to determine qualified persons to fill the positions.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3380**, as amended, passed its third and final consideration by the following vote:

Ayes .....	28
Noes .....	2

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--28.

Senators voting no were: Barnes and Haynes--2.

A motion to reconsider was tabled.

**Senate Bill No. 3381** -- Psychologists -- As introduced, authorizes instead of requires that governor select psychologist members of board of examiners in psychology from lists of nominees submitted by Tennessee Psychological Association, and select psychological examiner and senior psychological examiner board members from lists provided by Tennessee Association of Psychological Examiners and other interested psychology groups. Amends TCA Title 4, Chapter 29 and Section 63-11-102.

Senator Bell moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting from the third sentence of subdivision (c)(1) in Section 1 the language "Tennessee Association of Psychological Examiners" and by substituting instead the language "Tennessee Psychological Association Division of Psychological Examiners".

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3381**, as amended, passed its third and final consideration by the following vote:

Ayes .....	28
Noes .....	2

Senators voting aye were: Barnes, Beavers, Bell, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--28.

Senators voting no were: Haynes and Herron--2.

A motion to reconsider was tabled.

Senator Beavers moved that **Senate Bill No. 1088**, as amended, be placed on the Calendar for Thursday, March 15, 2012, which motion prevailed.

Senator Yager moved that **Senate Bill No. 1716** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Watson moved that **Senate Bill No. 2207**, as amended, be rereferred to the Committee on Commerce, Labor and Agriculture, which motion prevailed.

**Senate Bill No. 2579** -- Education -- As introduced, classifies schools teaching high school courses in grades 7 or 8 as secondary schools. Amends TCA Title 49, Chapter 4; Title 49, Chapter 5 and Title 49, Chapter 6.

On motion, Senate Bill No. 2579 was made to conform with **House Bill No. 2653**.

On motion, House Bill No. 2653, on same subject, was substituted for Senate Bill No. 2579.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2653** passed its third and final consideration by the following vote:

Ayes .....	29
Noes .....	1

Senators voting aye were: Barnes, Beavers, Bell, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

Senator voting no was: Summerville--1.

A motion to reconsider was tabled.

### **MESSAGE CALENDAR**

#### **SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 1680** -- Education, Curriculum -- As introduced, requires cardiopulmonary resuscitation programs to implement hands-on practice and skills testing to support cognitive learning, as opposed to merely cognitive training. Amends TCA Title 49, Chapter 6, Part 12.

#### **HOUSE AMENDMENT NO. 1**

AMEND by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Carmen Burnette Act of 2012".

SECTION 2. Tennessee Code Annotated, Section 49-6-1208, is amended by deleting subsection (b) and by substituting instead the following:

(b) It is not the intention of this section to require full certification in CPR. It is the intention of the section that students will learn the techniques and practice the psychomotor skills associated with performing CPR. For the purposes of this section, "psychomotor skills" means the use of hands-on practice and skills testing to support cognitive learning and shall not include cognitive-only training.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Tracy moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1680**, which motion prevailed by the following vote:

Ayes .....	30
Noes .....	0



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Senators voting aye were: Barnes, Beavers, Bell, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

### RECALL OF BILL

On motion of Senator Johnson, **Senate Bill No. 3406** was recalled from the Committee on State and Local Government.

### REFERRAL OF BILL

Senator Johnson moved that Senate Bill No. 3406 be referred to the Committee on Commerce, Labor and Agriculture, which motion prevailed.

### MOTION

Senator Johnson moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 3406** on the calendar for the Committee on Commerce, Labor and Agriculture for Tuesday, February 28, 2012, which motion prevailed.

### MOTION

Senator Norris moved that the Proposed Schedule for the week of February 27, 2012, be adopted and made the action of the Senate, which motion prevailed.

### MONDAY – February 27

5:00 p.m. Session – Senate Chamber

### TUESDAY – February 28

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee (Tax Subcommittee will meet immediately following)
10:30 a.m. – 1:00 p.m.	State & Local Government Committee
1:00 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. – 5:00 p.m.	Judiciary Committee

### WEDNESDAY – February 29

8:30 a.m. – 10:30 a.m.	Education Committee
10:30 a.m. – 11:30 a.m.	Energy & Environment Committee
11:30 a.m. – 12:30 p.m.	Tax Subcommittee
12:30 p.m. – 1:00 p.m.	Lunch
1:00 p.m. – 2:00 p.m.	Government Operations Committee
2:00 p.m. – 3:00 p.m.	Transportation & Safety Committee
3:00 p.m. – 5:00 p.m.	Health & Welfare Committee

**THURSDAY – March 1**

9:00 a.m.

Session – Senate Chamber

NOTE: The Subcommittee on Child Program Outcome Review Teams, Monday, February 27, 2012, at 11:00 a.m., in 1 LP Conference Room.

Council on Pensions and Insurance, Monday, February 27, 2012, at 1:00 p.m., in 29 LP.

The Joint Government Operations Committee, Monday, February 27, 2012, at 1:30 p.m., in Room 30 LP. (Rule Review)

Pre-Commerce Meeting, Tuesday, February 28, 2012, at 7:30 a.m., in 12 LP.

**RECALL OF BILL**

On motion of Senator Harper, **Senate Bill No. 2592** was recalled from the Committee on State and Local Government.

**WITHDRAWAL OF BILL**

On motion of Senator Harper, Senate Bill No. 2592 was withdrawn from the Senate.

**RECALL OF BILL**

On motion of Senator Ketron, **Senate Bill No. 3783** was recalled from the Clerk's desk.

**WITHDRAWAL OF BILL**

On motion of Senator Ketron, Senate Bill No. 3783 was withdrawn from the Senate.

**RECALL OF BILL**

On motion of Senator Overbey, **Senate Bill No. 1780** was recalled from the Committee on State and Local Government.

**WITHDRAWAL OF BILL**

On motion of Senator Overbey, Senate Bill No. 1780 was withdrawn from the Senate.

**RECALL OF BILL**

On motion of Mr. Speaker Ramsey, **Senate Bills Nos. 3250, 3260 and 3556** were recalled from the Committee on Finance, Ways and Means.

**REFERRAL OF BILL**

Mr. Speaker Ramsey moved that Senate Bills Nos. 3250, 3260 and 3556 be referred to the Committee on Calendar, which motion prevailed.

**RECALL OF BILL**

On motion of Mr. Speaker Ramsey, **Senate Bill No. 3122** was recalled from the Committee on Calendar.

**REFERRAL OF BILL**

Mr. Speaker Ramsey moved that Senate Bill No. 3122 be referred to the Committee on Finance, Ways and Means, which motion prevailed.

**MOTION**

On motion of Senator Ketron, his name was added as sponsor of **Senate Bills Nos. 589 and 2816**.

On motion of Senator McNally, his name was added as sponsor of **Senate Bill No. 1429**.

On motion of Senator Massey, her name was added as sponsor of **Senate Bills Nos. 1680, 2648 and 3391**.

On motion of Senator Tracy, his name was removed as sponsor of **Senate Bill No. 1716**.

On motion of Senators Faulk and Overbey, their names were added as sponsors of **Senate Bill No. 2259**.

On motion of Senators Faulk and Ford, their names were added as sponsors of **Senate Bill No. 2528**.

On motion of Senators Campfield, Ford and Kyle, their names were added as sponsors of **Senate Bill No. 2579**.

On motion of Senator Kyle, his name was added as sponsor of **Senate Bills Nos. 2658 and 3212; and Senate Joint Resolution No. 585**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bills Nos. 2692, 3539 and 3664; and Senate Joint Resolution No. 572**.

On motion of Senators Burks and Crowe, their names were added as sponsors of **Senate Bill No. 2776**.

On motion of Senators Crowe and Herron, their names were added as sponsors of **Senate Bill No. 2841**.

On motion of Senator Summerville, his name was added as sponsor of **Senate Bills Nos. 2946 and 3002**.

On motion of Senator Overbey, his name was added as sponsor of **Senate Bill No. 2955**.

On motion of Senators Burks, Faulk, Gresham and Massey, their names were added as sponsors of **Senate Bill No. 3194**.

**THURSDAY, FEBRUARY 23, 2012 -- 55TH LEGISLATIVE DAY**

On motion of Senator Herron, his name was added as sponsor of **Senate Bill No. 3234; and House Joint Resolutions Nos. 646, 647, 673, 676 and 677.**

On motion of Senators Beavers, Kyle and Marrero, their names were added as sponsors of **Senate Bill No. 3614.**

On motion of Senator Gresham, her name was added as sponsor of **Senate Joint Resolutions Nos. 222 and 592.**

On motion of Senators Crowe, Faulk, Ford and Marrero, their names were added as sponsors of **Senate Joint Resolution No. 571.**

On motion of Senators Barnes, Beavers, Bell, Berke, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 589.**

On motion of Senator Yager, his name was added as sponsor of **Senate Joint Resolution No. 594; and House Joint Resolution No. 683.**

On motion of Senator Crowe, his name was added as sponsor of **Senate Joint Resolutions Nos. 596, 598 and 600.**

On motion of Senator Burks, her name was added as sponsor of **House Joint Resolutions Nos. 642 and 655.**

On motion of Senators Henry, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 648.**

On motion of Senator Berke, his name was added as sponsor of **House Joint Resolutions Nos. 650 and 661.**

On motion of Senator Finney, his name was added as sponsor of **House Joint Resolutions Nos. 651 and 658.**

On motion of Senator Faulk, his name was added as sponsor of **House Joint Resolution No. 656.**

On motion of Senators Ford, Kelsey, Kyle, Marrero and Norris, their names were added as sponsors of **House Joint Resolutions Nos. 659, 675, 676, 677 and 678.**

On motion of Senators Crowe and Southerland, their names were added as sponsors of **House Joint Resolution No. 663.**

On motion of Senator Barnes, his name was added as sponsor of **House Joint Resolution No. 665.**

On motion of Senators Crowe, Faulk, Overbey and Roberts, their names were added as sponsors of **House Joint Resolution No. 668.**

**THURSDAY, FEBRUARY 23, 2012 -- 55TH LEGISLATIVE DAY**

On motion of Senators Finney, Herron and Norris, their names were added as sponsors of **House Joint Resolutions Nos. 671 and 672.**

On motion of Senators Gresham and Herron, their names were added as sponsors of **House Joint Resolution No. 675.**

On motion of Senators Kyle and Norris, their names were added as sponsors of **House Joint Resolution No. 680.**

On motion of Senators Finney and Herron, their names were added as sponsors of **House Joint Resolution No. 681.**

**ENGROSSED BILLS**

February 23, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 1818, 2202, 2220, 2260, 2315, 2528, 2648, 2674, 2776, 2784, 2841, 2843, 2854, 3165, 3194, 3234, 3379, 3380, 3381, 3391 and 3549; and Senate Joint Resolutions Nos. 571, 585, 587, 588, 589, 592, 593, 594, 595, 596, 597, 598 and 600; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 23, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2196, 2229, 2328, 2376, 2378, 2407, 2414, 2456, 2475, 2496, 2500, 2532, 2540, 2598, 2632, 2682, 2683, 2729, 2744, 2756, 2850, 2947 and 3135; passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 23, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2397 and 3080, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 23, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2653, passed by the House.

JOE MCCORD,  
Chief Clerk.

**THURSDAY, FEBRUARY 23, 2012 -- 55TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

February 23, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 202, 535, 557, 559, 561, 563, 564, 568 and 684; adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 23, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2183, 2197, 2229, 2231, 2296, 2315, 2702, 2752, 2798, 2799, 2883 and 3194; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 23, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2198, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 23, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2477, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 23, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2516, 2561 and 2644; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 23, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 580, 582, 583 and 599; concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**THURSDAY, FEBRUARY 23, 2012 -- 55TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

February 23, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 581, concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**ENROLLED BILLS**

February 23, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 1680, 2183, 2197, 2198, 2229, 2231, 2296, 2315, 2477, 2516, 2561, 2644, 2702, 2752, 2798, 2799, 2883 and 3194; and Senate Joint Resolutions Nos. 580, 582, 583 and 599; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**ENROLLED BILLS**

February 23, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 581, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 21, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2604, for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 23, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 642, 646, 647, 648, 650, 651, 654, 655, 656, 657, 658, 659, 661, 663, 665, 666, 668, 669, 671, 672, 673, 674, 675, 676, 677, 678, 680, 681 and 683; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

February 22, 2012

The Speaker announced that he had signed the following: House Bill No. 2604.

**THURSDAY, FEBRUARY 23, 2012 -- 55TH LEGISLATIVE DAY**

**SIGNED**

February 23, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 465, 524, 2159, 2170 and 2255.

**SIGNED**

February 23, 2012

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 580, 582, 583 and 599.

**SIGNED**

February 23, 2012

The Speaker announced that he had signed the following: Senate Joint Resolution No. 581.

**SIGNED**

February 23, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 642, 646, 647, 648, 650, 651, 654, 655, 656, 657, 658, 659, 661, 663, 665, 666, 668, 669, 671, 672, 673, 674, 675, 676, 677, 678, 680, 681 and 683.

**MESSAGE FROM THE HOUSE**

February 23, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 465, 524, 2159, 2170 and 2255; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 23, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 581, signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 24, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 580, 582, 583 and 599; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.



**REPORT OF DEPUTY CHIEF CLERK**

February 21, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 575, 576, 577, 590, 591 and 601; for his action.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**REPORT OF DEPUTY CHIEF CLERK**

February 23, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 465, 524, 2159, 2170 and 2255; for his action.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**REPORT OF DEPUTY CHIEF CLERK**

February 23, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolution No. 581, for his action.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**REPORT OF DEPUTY CHIEF CLERK**

February 24, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 580, 582, 583 and 599; for his action.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

February 22, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 575, 576, 577, 590, 591 and 601; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

February 23, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 551, 2203, 2244 and 2360; and Senate Joint Resolution No. 581; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 23, 2012: Senate Joint Resolutions Nos. 585, 587, 588, 589, 592, 593, 594, 595, 596, 597, 598 and 600; and House Joint Resolutions Nos. 642, 646, 647, 648, 650, 651, 654, 655, 656, 657, 658, 659, 661, 663, 665, 666, 668, 669, 671, 672, 673, 674, 675, 676, 677, 678, 680, 681 and 683.

This the 21st day of February, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 23, 2012: Senate Joint Resolution No. 571; and Senate Bills Nos. 2315, 2325, 2430, 2577, 2620, 2648, 2674, 2736, 2776, 2841, 2854, 3165, 3194, 3234, 3391 and 3549.

This the 21st day of February, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 23, 2012: Senate Bill No. 2508; Senate Joint Resolution No. 222; and Senate Bills Nos. 1818, 2140, 2202, 2259, 2260, 2528, 2579, 2784, 2843, 3173, 3178, 3212, 3379, 3380, 3381, 1088, 1716 and 2207.

This the 21st day of February, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bill and it has been set on the Message Calendar for Thursday, February 23, 2012: Senate Bill No. 1680.

This the 21st day of February, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 27, 2012: Senate Joint Resolutions Nos. 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613 and 614.

This the 23rd day of February, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 27, 2012: Senate Bills Nos. 2238, 2337, 2353, 2396, 2409, 2872, 3024, 3116, 3213, 3352, 3382, 3390 and 3392; and House Joint Resolution No. 566.

This the 23rd day of February, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 3**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 27, 2012: Senate Bills Nos. 2169, 2266, 2274, 2359, 2367, 2382, 2479, 2755, 3071, 3250, 3260, 3353 and 3556.

This the 23rd day of February, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 27, 2012: Senate Bills Nos. 2166, 2167, 2222, 2227, 2304, 2317, 2318, 2321, 2341, 2357, 2403, 2652, 2766, 2791, 2976, 2577, 2736 and 2218.

This the 23rd day of February, 2012.  
MIKE FAULK, Chairperson.

**ADJOURNMENT**

Senator Norris moved the Senate adjourn until 5:00 p.m., Monday, February 27, 2012, which motion prevailed.